

**STATE COURT OF CARROLL COUNTY  
STATE OF GEORGIA**

CIVIL ACTION NUMBER STCV2021000629

Russell, Kevin

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**PLAINTIFF**

VS.

Kemp , Harold  
Action Resources, Inc  
Sedgwick Claims Management Services, Inc.

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**DEFENDANTS**

**SUMMONS**

TO: SEDGWICK CLAIMS MANAGEMENT SERVICES, INC.


You are hereby summoned and required to file with the Clerk of said court and serve upon the Plaintiff's attorney, whose name and address is:

**Charles T Brant  
Colom & Brant  
191 Peachtree Street N.E.  
Suite 3270  
Atlanta, Georgia, Georgia 30303**

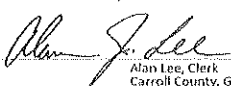
an answer to the complaint which is herewith served upon you, within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

**This 3rd day of August, 2021.**

Clerk of State Court

A handwritten signature in black ink, appearing to read "Alan J. Lee", is written over a horizontal line.

Alan Lee, Clerk  
Carroll County, Georgia

FILED IN OFFICE  
CLERK OF STATE COURT  
CARROLL COUNTY, GEORGIA  
**STCV2021000629**  
J044  
AUG 03, 2021 02:57 PM  
  
Alan Lee, Clerk  
Carroll County, Georgia

IN THE STATE COURT OF CARROLL COUNTY  
STATE OF GEORGIA

KEVIN RUSSELL,

Plaintiff,

vs.

HAROLD KEMP,  
ACTION RESOURCES, INC., and  
SEDGWICK CLAIMS MANAGEMENT  
SERVICES, INC.

Defendants.

CIVIL ACTION FILE NO.:

**JURY TRIAL DEMANDED**

**COMPLAINT**

COMES NOW, Plaintiff Kevin Russell in the above-styled matter and files his Complaint against the above-named Defendant Harold Kemp, Defendant Action Resources, Inc., and Defendant Sedgwick Claims Management Services, Inc. (Hereinafter, "Defendants") and shows this Court as follows:

**PARTIES AND JURISDICTION**

1.

Plaintiff Kevin Russell is a resident in the city of Forest Park in the state of Georgia.

2.

Defendant Harold Kemp is a resident of Jefferson County, Alabama and may be served with Summons and Complaint at his residence: 1121 Little John Lane, Birmingham, Jefferson County, Alabama 35235 through the Georgia Long arm statute pursuant to O.C.G.A. §9-10-91.

3.

Defendant, Action Resources, Inc, is a domestic limited liability company authorized to do business in the county of Carroll and the State of Georgia. The defendant can be served with a copy of the Summons and original of this complaint to its registered agent, Steve Johnson for service at their address of 204 20<sup>th</sup> Street North, Birmingham, AL 35203.

4.

Defendant, Sedgwick Claims Management Services, Inc. is a foreign profit corporation company authorized to do business in the county of Carroll and the State of Georgia. The defendant can be served with a copy of the Summons and original of this complaint to its registered agent, Corporation Service Company for service at their address of 2 Sun Court, Suite 400, Peachtree Corners, GA 30092.

5.

Venue is proper as to Defendants, pursuant to Ga. Const. 1983, Art. VI, § II, ¶ VI. Jurisdiction and venue are proper in this court.

#### **BACKGROUND**

6.

On April 22, 2021, Defendant Harold Kemp was operating a 2019 Freightliner 126, in which he was traveling east on Interstate 20 in Georgia.

7.

At all times relevant, Plaintiff Kevin Russell was a driver of the 2012 Chevrolet Equinox, when Defendant Harold Kemp struck the rear left side of his vehicle.

8.

While Plaintiff Kevin Russell was parked on the south shoulder of Interstate 20, Defendant Kemp failed to maintain his lane, left the roadway on the right shoulder, and struck the left rear side of the plaintiff, which severely injured the Plaintiff.

9.

The forceful escape from the vehicle caused serious bodily injuries to Plaintiff Kevin Russell.

10.

At all times relevant to the Complaint, Defendant Kemp was in sole control of the vehicle that continued through a ditch and struck several trees after striking the rear end of plaintiff's vehicle.

11.

The Carroll County EMS responded to the call.

**COUNT I**  
**NEGLIGENCE**

12.

Plaintiff realleges and incorporates herein by reference paragraphs 1 through 11 above as if the same were restated herein verbatim.

13.

At all relevant times, Defendant Harold Kemp owed certain civil duties to Plaintiff Kevin Russell, and, notwithstanding those duties, Defendant Harold Kemp did violate them in the following particulars:

- a. In failing to make reasonable and proper observations while driving the 2019 Freightliner 126 or, if reasonable and proper observations were made, failing to act thereon;

- b. In failing to make timely and proper application of the brakes in violation of O.C.G.A. § 40-6-241;
- c. In failing to observe or undertake the necessary precautions to keep the 2019 Freightliner 126 from colliding with another vehicle in violation of O.C.G.A § 40-6-390;
- d. In driving the 2019 Freightliner 126 without due caution and circumspection and in a manner so as to endanger the person and/or property of others in the immediate vicinity in violation of O.C.G.A. § 40-6-241;
- e. In driving the 2019 Freightliner 126 in reckless disregard for the safety of persons and/or property in violation of O.C.G.A. § 40-6-390;
- f. in failing to maintain a controlled traffic device and failure to drive on the right side of roadway, overtaking and passing, and following too closely in violation of O.C.G.A § 40-6-48; and
- g. In committing other negligent and reckless acts and omissions as may be shown by the evidence and proven at trial.

14.

Defendant Harold Kemp's violations of the aforementioned statutory duties of care constitute negligence.

15.

As a direct and proximate result of the aforesaid negligence and breaches of duty by Defendant Harold Kemp, Plaintiff Kevin Russell was injured.

16.

As a direct result of Defendant Kemp's negligence, Plaintiff Kevin Russell suffered injuries and mental pain.

**COUNT II**  
**COMPENSATORY DAMAGES**

17.

Plaintiff realleges and incorporates herein by reference paragraphs 1 through 16 above as if the same were restated herein verbatim.

18.

As a result of the injuries, he sustained in the subject wreck, Plaintiff Kevin Russell has incurred significant medical expenses in which Defendant Harold Kemp is liable.

19.

As a direct and proximate result of Defendant Harold Kemp's negligence, Plaintiff Kevin Russell has sustained general damages for which he is entitled to recover in an amount to be determined by the enlightened conscience of the jury.

**COUNT III**  
**PUNITIVE DAMAGES**

20.

Plaintiff realleges and incorporates herein by reference paragraphs 1 through 19 above as if the same were restated herein verbatim.

21.

Defendant Harold Kemp conduct in the incident at issue demonstrates negligence, or that entire want of care which raises a presumption of conscious indifference to the consequences, entitling the Plaintiff to an award of compensatory and punitive damages.

22.

As a result of Defendant's negligence, Plaintiff suffered serious personal injuries, including but not limited to injuries to his left shoulder, closed fracture of multiple ribs of left side and musculoskeletal pain.

23.

By virtue of the aggravating circumstances of Defendant Kemp's actions, Plaintiff Kevin Russell suffered physical injuries.

24.

As a deterrent to Defendant Kemp, Plaintiff Kevin Russell is entitled to recover punitive and exemplary damages under the applicable laws off the State of Georgia.

**COUNT IV**  
**PREJUDGMENT INTEREST**

25.

Plaintiff realleges and incorporates herein by reference paragraphs 1 through 24 above as if the same were restated herein verbatim.

26.

Plaintiff Kevin Russell is entitled to and does seek to recover prejudgment interest in addition to other damages under the applicable laws of the State of Georgia.

**COUNT IV**  
**ATTORNEY'S FEES AND EXPENSES OF LITIGATION**

27.

Plaintiff realleges and incorporates herein by reference paragraphs 1 through 26 above as if the same were restated herein verbatim.

28.

Defendant Harold Kemp's actions of striking the rear side of the vehicle, Plaintiff was in which caused the collision were in bad faith and he remains stubbornly litigious, and has caused Plaintiff undue expense. Thus, Plaintiff is entitled to recover his necessary expenses of litigation, including an award of reasonable attorney's fees and expenses required by this action, pursuant to O.C.G.A. § 13-6-11, as well as any other statutory or common law basis.

29.

Pursuant to O.C.G.A. § 13-6-11, Plaintiff requests that the court award expenses of litigation including attorney fees against Defendants to Plaintiff due to Defendant Harold Kemp's actions of colliding into Plaintiff.



**PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiff respectfully prays and demands as follows:

- a. That Plaintiff recover special damages as alleged above and as proven at trial;
- b. That Plaintiff recover general damages, including for pain and suffering, in an amount to be determined by the enlightened conscience of the jury;
- c. That Plaintiff recovered a judgment in punitive damages to punish and deter such future conduct of the Defendant Harold Kemp;
- d. That Plaintiff be awarded reasonable attorney's fees and expenses pursuant to O.C.G.A. § 13-6-11;
- e. That Plaintiff recover costs;
- f. That Plaintiff recover such other relief as is just and proper; and
- g. That all issues be tried before a jury of twelve persons.

This 3<sup>rd</sup> day of August, 2021.

**COLOM AND BRANT LAW**

/s/ Charles Brant  
Charles T. Brant, Esq.  
Georgia Bar No.: 078070  
Attorney for the Plaintiff

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